



U.S. Department of Justice

***United States Attorney
District of Minnesota***

600 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

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September 17, 2013

Via ECF

The Honorable Franklin L. Noel
United States Magistrate Judge
300 South Fourth Street, Suite 9W
Minneapolis, MN 55415

Re: *United States v. Michael Catain*, Criminal No. 08-302 (RHK/FLN)

Dear Magistrate Judge Noel:

The purpose of this letter is to request the assistance of the Court in scheduling a mediation to attempt to resolve the claim filed by Joan Catain as to assets subject to forfeiture in this case.

By way of background, on March 29, 2013, an Amended Second Preliminary Order of Forfeiture was entered in this action. *See* Docket No. 61. On May 2, 2013, Joan Catain filed a claim asserting an interest in certain assets forfeited from Defendant Michael Catain. *See* Petition of Joan Catain Asserting Interests In Property Subject To Criminal Forfeiture (Docket No. 62). The Petition asserts the claim of Joan Catain to: 1) her interest in the proceeds from the sale of 4550 Enchanted Point, Shorewood, Minnesota; and 2) Q Records & Entertainment, LLC Anchor Bank account XXXXX5897. The 4550 Enchanted Point property was previously the residence of Michael and Joan Catain. The property was sold by Douglas Kelley, as Receiver for Michael Catain, and the proceeds from the sale (slightly less than \$1.4 million) are currently being held in an escrow account. The Q Records account had a balance of \$67,763.27 as of February 28, 2013.

The parties have been attempting to resolve Joan Catain's petition. Although settlement offers have been exchanged, to date the petition has not been resolved. The government would suggest that it may be productive for the Court to schedule a mediation to see if the Petition can be resolved without additional litigation. The U.S. Attorney's Office recently received correspondence from attorneys James Ventura and Jeffrey Lambert indicating that Joan Catain is willing to engage in a mediation with the Court in an attempt to resolve the pending issues.

Therefore, in light of the above, the United States requests that a mediation be scheduled at a mutually agreeable time to mediate the issues raised by the third-party petition filed by Joan Catain pursuant to Fed. R. Crim. P. 32.2(c) and 21 U.S.C. § 853(n)(6).

Thank you for your consideration of this request.

Respectfully submitted,

JOHN R. MARTI
Acting United States Attorney

s/ James S. Alexander
BY: James S. Alexander
Assistant U.S. Attorney

JSA

Cc: The Honorable Richard H. Kyle (via ECF)
James M. Ventura (via ECF)
Jeffrey W. Lambert (via E-Mail)